IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 04.09.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

Habeas Corpus Petition No.628 of 2006

Mani @ Echilai Mani @ Murthy ... Petitioner

Vs.

1.The Government of Tamil Nadu,
rep. by its Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai-9.

2.The District Magistrate and
District Collector,
Kancheepuram District,
Kancheepuram. .. Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records pertaining to the impugned detention order vide No.20/2006 dated 11.04.2006 passed by the second respondent and approved by the first respondent, quash the same as illegal and consequently direct the respondent to produce the detenu Mani @ Echilai Mani @ Murthy now lodged in Central Prison, Vellore, before this Court and set him at liberty.

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For Petitioner : Mr.Mr.N.Doraisamy for
` Mr.S.Jayaseelan

For Respondents: Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner by name Mani @ Echilai Mani @ Murthy, who is detained as a ''Goonda" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 11.04.2006, challenges the same in this Petition.

2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. At the foremost, the learned counsel appearing for the petitioner submitted that as the arrest of the detenu was not intimated to his family members, in view of the decision of the Apex Court in D.K.Basu's Case, the detention order is liable to the quashed. The learned Additional Public Prosecutor, by placing the records, has brought to our notice that the arrest of the detenu was intimated to his friend viz., one Venkatachalam. Accordingly we reject the said contention.

4. The learned counsel for the petitioner next contended that there was a delay in passing the detention order. As against the same, the particulars furnished show that in respect of ground case, the detenu was arrested on 10.02.2006. No doubt the detention order was passed on 11.04.2006. The learned Additional Public Prosecutor has brought to our notice that the detenu had 23 cases to his credit from 2001 onwards. It is also brought to our notice that the detenu had involved in various offences, spreading over various police stations and those details are available at paragraphs 1 to 4 of the grounds of detention. In such circumstances, we are satisfied that the detention order cannot be interferedwith on the ground of delay in passing the same. Accordingly, we reject the said contention also.

5. Though the learned counsel for the petitioner has submitted that the translated copies of certain documents have not been furnished, the learned Additional Public Prosecutor has brought to our notice that those documents are related to adverse cases and all those documents have not been relied upon by the detaining authority for passing the detention order and hence, the said contention is also rejected.

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6. Finally the learned counsel for the petitioner has submitted that the detention order was not served on the detenu. The file produced by the learned Additional Public Prosecutor shows that the detention order dated 11.04.2006 was served on the detenu on 13.04.2006 on identification by his friend Venkatachalam. Accordingly, we reject the said contention also.

7. Except the above said contentions, no other grounds were urged. Accordingly, the Habeas Corpus Petition fails and the same is dismissed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Government, State of Tamil Nadu, Prohibition and Excise Department, Fort St. George, Chennai-600 009.

2.The District Magistrate and District Collector, Kancheepuram District,
Kancheepuram.

3. The Superintendent, Central Prison, Vellore.
(In duplicate for communication to detenu)

4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr. S. Jayaseelan, Advocate SR No. 40785

TJL(CO)
SR/13.9.2006 HCP. No.628 of 2006

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